

**ROYAL COURT  
FULL COURT**

**10<sup>th</sup> December 2019**

**Before: Richard James McMahon, Esq., Deputy Bailiff and:  
Claire Helen Le Pelley, Terry George Snell, Jonathan Grenfell Hooley,  
Steven John Morris, David James Mortimer, Alan Stevenson Boyle,  
David John Robilliard, Stuart Michael Crisp, Marilyn Jasmine King, Jurats.**

**THE LAW OFFICERS OF THE CROWN**

- v -

**CHRISTOPHER DAVID GOULDING**

**Advocate J McVeigh appeared for the Crown**

**Advocate A Ayres appeared for the Defendant**

**DEPUTY BAILIFF:**

**Background**

Christopher David Goulding, you appear this afternoon for sentence in respect of an Indictment containing a single Count of assault. The law does not distinguish between simple assaults and those that would, if prosecuted in England and Wales, constitute assault occasioning actual bodily harm. However, whilst sentencing is at large for an offence of assault, meaning that the maximum penalty available is life imprisonment, the practice of this Court is to have regard to the maximum sentence of five years' imprisonment when sentencing for this type of offending.

You are a local man, now aged 36. This Count relates to an incident on 7 or 8 February 2015, at which time you were 31. Although you have some old convictions, mostly for public order offences, for the purposes of today we disregard them.

As we have heard, the complaint against you was not made until 2018 and you were only charged on 21 January this year. You have been on bail throughout these proceedings.

The offence with which we are dealing arose during the course of your relationship with your former partner, Charlotte. We emphasise that we are imposing a sentence in respect of the single assault to which you have pleaded guilty, which plea we accept was entered at the earliest opportunity. The offence occurred in her home and involved throwing in her direction an X-box controller, which hit her in the face, resulting in a nasty injury, including the loss of a tooth. However bad the state of your relationship on other days, this is the incident we have to consider. We have read her victim impact statement, which shows the effect that what you did still has on her, even though your relationship ended in 2016 and this offence took place nearly five years ago.

**Sentencing considerations**

Offences of violence are always treated seriously by this Court. We are fortunate that, on the whole, incidents of violence in this Island are less prevalent than in neighbouring jurisdictions. That

particular Guernsey context means that we consider it appropriate that deterrence remains a significant factor for this Court to take into account. In reaching our decision as to an appropriate sentence, we have regard to any aggravating factors relating to the offence and any personal mitigating factors, making such use as is appropriate to guide us from what the Sentencing Guidelines Council of England and Wales has included in its Domestic Abuse Guideline and its Assault Definitive Guideline (in the Crown Court), whilst also recognising that neither Guideline binds this Court.

We take the view that causing injury to a person's face, where the consequences are visible, makes the offence more serious. We have had regard to the length of your relationship with your victim and find that you exercised an unhealthy degree of control over her. Such controlling behaviour makes the person subordinate and/or dependent, depriving them also of the means of escape. It is apparent that this offence marks a particular incident in a wider pattern of abuse perpetrated by you, as shown by your own description of the relationship as "toxic". We stress that no one should feel unsafe within their home and within a supposedly loving relationship. Those who engage in domestic violence, such as you did, rely on the unwillingness of their partners to complain. Any such victim is a vulnerable person and so deserves what protection this Court can afford to them. We also bear in mind that this offence occurred at the end of your former partner's birthday celebrations, which is an event you should have respected as a happy occasion rather than one where you let your jealousy and possessiveness get the better of you.

It is also clear that the consumption of excessive alcohol played a part in this offence, but that is, of course, no justification for your actions; indeed, had this offence taken place when you were sober, the consequences would arguably be even worse because intention to cause harm could well be a factor being taken into account. Loss of control of one's actions through being drunk is an additional aggravating factor in this case. Although you did not make direct contact with your victim's body, we treat hurling a solid object at someone as the same as if a weapon had been held and used. Whether you hit someone in the face with a blunt instrument or throw an object with some force so as to cause the same consequences as a direct blow, it still amounts to an aggravating factor in our eyes.

Accordingly, we find that these are all factors that turn what was a nasty assault in the first place into one that we regard as being a serious one. Viewed in the round and before we turn to any mitigation, the Court is satisfied that your offending passes the custody threshold and warrants us increasing the starting point to 30 months' imprisonment.

### **Mitigation**

The Court has taken into account everything said about you and on your behalf by Advocate Ayres. We have also considered the content of the Social Enquiry Report, which has provided the Court with further information about your personal circumstances and how they relate to this offence. We note that you have chosen not to continue in employment following your arrest in late August 2018 and appear keen to know the outcome of these proceedings before making any plans to resume employment. We also note that you are assessed statistically as being moderately likely to re-offend, although this reflects the absence of structured activity through employment and the author of the report does not have significant concerns in relation to you offending outside of a domestic context, and further indicates that there is no evidence of you presenting a risk to the general public. We accept, therefore, that the risk assessment would be lower had you stayed in or resumed employment, which rather suggests to us that you have made a poor decision not to seek gainful employment in the meantime.

We note how you have expressed your remorse for what happened. However, we do not regard the financial plight in which you find yourself, particularly as a result of these proceedings, as mitigating this offence at all.

Your relationship with alcohol remains troubling. It should be perfectly clear to you that you are prone to reacting badly when in drink. Despite that, you have continued to drink daily, although the report records that when you read it you stated you had refrained from drinking alcohol for seven days. In itself, that is a positive step, but it comes very late in the day and the overall picture we are left with is that you have still not properly addressed what appears to the Court to be a long-term unhealthy dependence on alcohol.

We are conscious that this matter has been hanging over your head for some time. We also take note of the fact that the offence itself is even older and that you and your victim have both moved on since your relationship ended. However, against that, we have to balance the fact that it took time for your former partner to find the strength and courage to complain about what happened during that relationship, the root of which lies in the fear she had of you, so we find the delay involved in dealing with you of less relevance than it would be in other cases. Accordingly, aside from your guilty plea, for which we give you full credit, we find that there is little other mitigation in your case.

### **Sentence**

This Court deplores violent conduct of any type. Whether we describe what you engaged in as domestic abuse or intimate partner violence, its impact is felt outside the home environment because it undermines the very person of the individual who is the victim. Victims such as Charlotte are inevitably unable to function freely and happily in the way our community wants everyone to have the potential to flourish. We are clear that this Court must send a strong message that such unacceptable behaviour will not be tolerated and those who suffer at the hands of abusers must have confidence that their complaints will be taken seriously and dealt with appropriately.

Even allowing for mitigation, we are satisfied that an immediate custodial sentence is the only realistic option here. We think that a time spent in Prison, with post-release supervision offers the best means by which the work needed to assist you in addressing your problems can be undertaken with you. From the starting point previously mentioned, we reflect your guilty plea and such other personal mitigation as there is by imposing a sentence of 18 months' imprisonment, which will run from today.

In accordance with section 1 of the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, upon release (or completion of any Parole period if applicable), you will be subject to supervision by the Probation Service for a period equal to one quarter of the total sentence or the period you would have served had you not received remission, whichever is less. If you fail to comply with the conditions of the supervision, you will be liable to further imprisonment, a fine, or both.

### **Compensation**

A compensation order in respect of the expenses your victim will incur for remedial work on her mouth is sought and we have seen the quotation relating to this work. We note that this application has not been opposed. Whilst such matters can sometimes better be left to the civil courts, in this case the Court is satisfied that it is appropriate to make an order that you pay compensation in the amount sought of £3,470.

We have heard from Advocate Ayres, that you have around £1,000 available to you now and so we order payment of £750 immediately, with the balance being payable within 12 months of your eventual release from prison.

### **Conclusion**

So in summary Mr Goulding the sentence this Court imposes on you today for this offence of assault is one of **18 months' imprisonment plus compensation of £3,470.**

**Richard McMahon**  
**Deputy Bailiff**  
**10<sup>th</sup> December 2019**